

ATTORNEY DOCKET: AUS920030851US1

PATENT

Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the above-referenced Office Action, which was mailed on 10/19/2004, claims 1-3, 7-11, 15 and 18-20 were rejected under 35 USC 103(a) as being unpatentable over the single Sunyich reference (U.S. Patent Application Publication Number US 2003/0149576 A1, hereinafter referred to as "Sunyich"), claims 4-6 and 12-14 were rejected under 35 USC 103(a) as being unpatentable over the combination of Sunyich and Tsurukawa et al (JP 02000357272A, hereinafter referred to as "Tsurukawa") and claims 16-17 were rejected under 35 USC 103(a) as being unpatentable over the combination of Sunyich and Hohle et al (U.S. Patent 6,101,477, hereinafter referred to as "Hohle"). Those rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims for clarification purposes to place them in better condition for allowance or appeal.

The present invention provides a processing methodology and system for use in processing information received and/or transmitted by a smart card which contains and supports a user personal data profile. Parameters specific to individual user's personal preferences, including travel related parameters and service preferences, are input and stored by the smart card and may be selectively read out and/or transmitted to instantaneously

ATTORNEY DOCKET: AUS920030651US1

PATENT

provide the individual's personalized data to various travel related processing systems. The smart card may also be used to present messages to the traveler from various travel services institutions, and also to be programmed by those institutions in order to access certain facilities available to the traveler. The disclosed smart card is as small as or smaller than a credit card and includes a switching device, a user input function and a display function as part of the card (i.e. see Figure 3). The user may selectively transmit user preference information which is input to and stored in the user smart card by actuating the switching device, and may also input alpha-numeric and other characters via a user input (which may comprise a keypad or selection menu presented on the card's display) in order to, *inter alia*, manually change the user's preferences.

Sunyich discloses a device and method for automatic hotel room check-in and pre-conditioning of hotel rooms. Sunyich does not disclose or even suggest, *inter alia*, a switching device on the smart card for **selectively enabling** transmission from the card, or a **user input device on the smart card for enabling manual input from a user** or a **combination with a display device on the smart card** as is disclosed and claimed by the applicant.

Tsurukawa discloses a non-contact smart card with a display function, but does not disclose or even suggest, *inter alia*, a switching device on the smart card for **selectively enabling** transmission from the card, or a **user input device on the smart card for enabling manual input from a user** or a **combination with a display device on the smart card** as is disclosed and claimed by the applicant.

Hohle was cited to show the use of a smart card in airline and car rental applications and discloses a travel-related multi-

ATTORNEY DOCKET: AUS920030851US1

PATENT

function smart card. However, Hohle does not disclose or even suggest, *inter alia*, a switching device on the smart card for **selectively enabling** transmission from the card, or a **user input device on the smart card for enabling manual input from a user** or a **combination with a display device on the smart card** as is disclosed and claimed by the applicant.

In view of the above noted distinctions, all of the independent claims currently under consideration, i.e. independent claims 1, 19 and 20, have herein been amended to more clearly recite the switching function, the display function and the user manual input function, which are all an inherent part of the disclosed smart card and processing system. As noted above, it is believed that none of the cited references, taken alone or in combination with any of the other references, discloses or even suggests the total combination as is now set forth in the currently amended independent claims, 1, 19 and 20. Therefore amended claims 1, 19 and 20 are submitted to be allowable under 35 USC 103(a) over Sunyich, Tsurukawa and/or Hohle, taken alone or in any combination. Moreover, since claims 2-18 ultimately depend from claim 1 and include all of the limitations of claim 1 as well as even further limitations as set forth in the individual dependent claims, it is submitted that claims 2-18 are also allowable under 35 USC 103(a) over Sunyich, Tsurukawa and/or Hohle, taken alone or in any combination.

With specific reference to the Office Action mailed on 10/19/04, it should be noted that applicant traverses all of the stated reasons for obviousness type (35 USC 103) rejections which are based in part on what is stated to be "well known in the art" but for which there is no specific reference cited. Applicant does not agree that the features identified in the Office Action as being "well known" are in fact "well known" without a citation of

ATTORNEY DOCKET: AUS920030651US1

PATENT

a dated reference. In that regard, it is noted that, *arguendo*, while some features may today be "well known", without a cited dated reference there is no proof of when such features became "well known" and there is no showing on the record of a disclosure or suggestion of a feature or claim element or combination of claimed elements in a reference published before the filing of the present application.

Applicant also traverses statements that "one would have been motivated to .." as a basis for finding obviousness where there is no cited reference disclosing or even suggesting such "motivation". It is noted that, in hindsight, after reviewing the applicant's disclosure, including the description of the prior art shortcomings and applicant's expressly stated motivation for overcoming such shortcomings, it is inappropriate to reject applicant's claims as obvious based upon applicant's own expressed statement of motivation and not upon a clear suggestion in a cited prior art reference.

The similarity of the various pieces and parts of the prior art references as discussed on pages 2-7 of the Office Action has been noted but it is believed that there is no disclosure, teaching or even suggestion in the cited references, or even the combination of cited references, of the total combination of elements and relationships among those elements as herein presented in the currently amended claims. It is further noted that applicant is not claiming that any of the particular isolated features of the claimed combinations is novel *per se*, but rather only that the entire combination of elements and relationships as expressly set forth in the amended claims is not suggested or rendered obvious by the cited references, taken individually or in any combination.

ATTORNEY DOCKET: AUS920030851US1

PATENT

Thus, it is submitted that claims 1-20, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, and especially if one or more new references are cited, the Examiner is invited to contact the undersigned at the telephone number indicated below, prior to the issuance of another Office Action, in order to allow the applicant the opportunity to further amend the claims by Supplemental Amendment or Examiner's Amendment, as may be appropriate, to place the claims in condition for allowance. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

Robert V. Wilder

Robert V. Wilder (Tel: 512-246-8555)
Registration No. 26,352
Attorney for Applicants
4235 Kingsburg Drive
Round Rock, Texas 78681